

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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THIRD WAVE TECHNOLOGIES, INC.,

PERMANENT INJUNCTION

Plaintiff,

04-C-0680-C

v.

STRATAGENE CORPORATION,

Defendant.

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1. The jury having returned a verdict against Stratagene Corporation in favor of Third Wave Technologies, Inc., and finding that:

a. Stratagene's use of the FullVelocity QPCR Master Mix and FullVelocity QRT-PCR Master Mix products ("the accused products") infringes Claim 16 of U.S. Patent No. 6,090,543 and Claims 1,5,7, 12 and 14 of U.S. Patent No. 6,348,314 ("the asserted claims");

b. Stratagene induces infringement of Claim 16 of U.S. Patent No. 6,090,543 and Claims 1, 5, 7, 12 and 14 of U.S. Patent No. 6,348,314 by selling the accused products and instructing customers in their use;

c. Stratagene contributorily infringes Claim 16 of U.S. Patent No. 6,090,543 and Claims 1, 5, 7, 12 and 14 of U.S. Patent No. 6,348,314 by selling the accused products, which have no substantial noninfringing use; and

2. The jury having returned a verdict that Claim 16 of U.S. Patent No. 6,090,543 and Claims 1, 5, 7, 12 and 14 of U.S. Patent No. 6,348,314 are not invalid.

THEREFORE, IT IS ORDERED that Stratagene Corporation and its respective employees, agents, officers, directors, attorneys, licensees, successors and assigns, and all persons acting on behalf of or in concert and participation with any of them who receive actual notice of this order, are hereby permanently enjoined from making, advertising, promoting the use of, selling, offering to sell, using, permitting to be used, contributing to the use, sale or offering for sale of, or inducing the use, sale or offering for sale of the accused products, or of any other product used in a method that meets all of the limitations of any of the asserted claims.

FURTHER, IT IS ORDERED that Stratagene Corporation is to destroy its existing inventory of the accused FullVelocity QPCR Master Mix and FullVelocity QRT-PCR Master Mix products within ten days of the final resolution of Stratagene Corporation's appeal.

FURTHER, IT IS ORDERED that Stratagene Corporation shall notify its current customers of the accused FullVelocity QPCR Master Mix and FullVelocity QRT-PCR Master

Mix products of the outcome of this litigation within ten days of this order and instruct them that they may not use those products in a method that meets all of the limitations of any of the asserted claims.

FURTHER, IT IS ORDERED that this court shall retain jurisdiction of this matter for the purpose of enforcing the terms of this order.

Entered this 27th day of September, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge